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TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER ABELSON, RONALD B	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/732,917

Applicant(s)

JABRI ET AL.

Examiner

Ronald Abelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 3/8/06, 4/19/04, and 12/9/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-9,29-31 and 45-102 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-9,29-31,45-55,57-84 and 86-102 is/are rejected.
- 7) ☒ Claim(s) 56 and 85 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/19/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 51 and 80 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 51 and 80, the terms "independent standard" and "custom H.245 procedures" are indefinite.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the

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differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 8, 29, 30, 45, 46, and 74-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art 'AAPA' in view of Knuutila (US 6,810,035).

Regarding claims 7, 29, 45 and 74, AAPA teaches transmitting a call signaling message from a first device to a second device through a telecommunication network to initiate a call (call signaling, pg. 4 lines 14-16).

AAPA teaches establishing a bearer channel between the first device and the second device once the call signaling message has been received by the second device (bearer establishment, pg. 4 lines 14-16).

AAPA teaches determining a mobile level for operation (common Mobile Level is agreed, pg. 4 lines 17-19).

AAPA is silent on providing one or more custom H.245 messages or custom fields in one or more standard H.245 messages, the one or more messages or fields being associated with one or more parameters for a mode of operations; transmitting the one or more custom H.245 messages or custom fields in the one or more standard H.245 messages; processing

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the one or more custom H.245 messages or custom fields; and establishing the mode of operation between the first device and the second device through the bearer channel based upon at least one or more of the one or more custom H.245 messages or custom fields.

Knuutila teaches on providing one or more custom H.245 messages or custom fields in one or more standard H.245 messages (NonStandardParameter structure, non-standard message, col. 8 lines 33-42), the one or more messages or fields being associated with one or more parameters for a mode of operations (real time/non-real time capability, col. 8 lines 33-42); transmitting the one or more custom H.245 messages or custom fields in the one or more standard H.245 messages (capabilities exchange, col. 8 lines 25-26, 33-42); processing the one or more custom H.245 messages or custom fields (capabilities exchange, col. 8 lines 25-26, 33-42); and establishing the mode of operation between the first device and the second device through a data channel based upon at least one or more custom H.245 messages or custom fields (col. 8 lines 53-57). Regarding the bearer channel, the examiner corresponds the HSCSD and GPRS channels or Knuutila with the bearer channel(s) of AAPA.

Regarding claims 7 and 29, AAPA is silent on transmitting a custom Non-Standard response message with the one or more custom

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H.245 messages or custom fields from the second terminal to the first terminal.

Knuutila teaches transmitting a custom Non-Standard response message with the one or more custom H.245 messages or custom fields from the second terminal to the first terminal (capabilities exchange, col. 8 lines 25-26, 33-42).

Regarding claims 7 and 29, the examiner corresponds the applicant's initial predetermined mode of operation with the real time/non-real time capability of the reference, which has previously been addressed (Knuutila: col. 8 lines 33-42).

Regarding claims 7 and 29, processing the one or more custom H.245 messages or custom fields for a predetermined time period (Knuutila: capabilities exchange, use the HSCSD channel, parallel transmission pipe, col. 8 lines 25-26, 33-42). The examiner corresponds the applicant's predetermined time period with the time period after the capabilities exchange and before the use of the HSCSD and parallel transmission pipe channels, which has previously been addressed.

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of AAPA by having the terminals transmit the mode operation capabilities to one

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another using the NonStandardParameter structure/non-standard message of Knuutila. This modification can be performed in software. The suggestion for the modification is it is advantageous to use the NonStandardParameter structure to indicate terminal capability because amendments to existing standards are not required (Knuutila: col. 8 lines 33-42). This modification will benefit the system by enabling the terminals to exchange mode capabilities with one another.

Regarding claims 8, 30, 46, and 75, messages are represented as one or more Non-Standard Capabilities embedded in a H.245 terminal capability set request message (Knuutila: real time capability, col. 8 lines 33-42).

5. Claims 9, 31, 47, and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of AAPA and Knuutila as applied to claims 7, 29, 45, and 74 above, and further in view of Shaffer (US 6,384,853).

The combination is silent on user preferences are provided in one of the custom Non-Standard H.245 messages.

Schaffer teaches H.245 supports the transmission of mode preference requests / user preferences (col. 5 lines 12-18).

Therefore it would have been obvious to one of ordinary

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skill in the art, to modify the system of the combination of AAPA and Knuutila by transmitting of mode preference requests / user preferences in the custom Non-Standard H.245 messages.

This modification can be performed in software. This modification would benefit the system by allowing the user to send a request for service.

6. Claims 48, 49, 52-55, 57-73, 77, 78, 81-84, and 86-102 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of AAPA and Knuutila as applied to claims 45 and 74 above.

Regarding claims 48 and 77, although AAPA teaches transmitting H.245 messages in one or more SRP frames (pg. 3 [0010]) and Knuutila teaches transmitting custom H.245 messages or custom fields (NonStandardParameter structure, non-standard message, col. 8 lines 33-42), the combination does explicitly teach one or more custom H.245 messages or custom fields being transmitted in one or more SRP frames.

However, given the combination is transmitting custom H.245 messages or custom fields as opposed to H.245 messages, it would have been obvious to transmit one or more custom H.245 messages or custom fields in one or more SRP frames. This modification



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can be performed by adhering to SRP protocol. This modification would benefit the system since H.245 requires a reliable link layer and the principal means of providing this is through SRP (AAPA). This modification would allow the system to be more easily integrated into larger H.324 systems.

Regarding claims 49 and 78, one or more SRP frames are transmitted from the first device within a round trip cycle time prior to receiving one or more corresponding SRP acknowledgment responses from the second terminal (AAPA: if the response "ACK" is not received within a certain time, the sending terminal will re-transmit, [0009]).

Regarding claims 52 and 81, receiving acknowledgment at first device and associating acknowledgment with corresponding frame (AAPA: [0009]).

Regarding claims 53 and 82, numbered SRP acknowledgements (AAPA: NSRP, [0010]).

Regarding claims 54, 55, 83, and 84, receiving and determining (AAPA: Terminal Capability Exchange, [0013-0014]).

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Regarding claims 57, 58, 86, and 87, repeating a transmission (AAPA: [0009]).

Regarding claims 59 and 88, establish logical channels (AAPA: fig. 1B, Open/Close Logical Channels, [0013]).

Regarding claim 60 and 89, transmitting media (AAPA: [0015]).

Regarding claims 61 and 90, session setup (AAPA: call setup, [0009]).

Regarding claims 62-72 and 91-101, (AAPA: [0013]).

Regarding claims 73 and 102, non-standard response message (Knuutila: NonStandardParameter structure, non-standard message, col. 8 lines 33-42).

7. Claims 50 and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of AAPA and Knuutila as applied to claims 48 and 77 above, and further in view of Ludwig (US 6,754,228).

Although the combination teaches transmitting an additional SRP frame from the first device to the second device prior to receiving a corresponding SRP acknowledgment response from the second device, the combination is silent on a sliding window.

Ludwig teaches sliding windows in combination with response acknowledgements (col. 5 lines 1-4).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of the combination of AAPA and Knuutila by transmitting according to the flow control algorithm of Ludwig. This modification can be performed in software. This modification would benefit the system by providing flow control and thus reducing the probability of the receiving buffer incurring overflow.

#### ***Allowable Subject Matter***

8. Claims 56 and 85 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (571) 272-3165. The examiner can normally be reached on M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Ronald Abelson

Examiner

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